

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MABELYN RAYFORD,

Plaintiff,

v.

SISTERS OF CHARITY OF
CINCINNATI, OHIO,

Defendant.

:

:

: Case No.:

:

: Judge _____

:

:

: NOTICE OF REMOVAL

:

Defendant Sisters of Charity of Cincinnati, Ohio (“SCC” or “Defendant”), under 28 U.S.C. §§ 1441 and 1446, removes this action from the Hamilton County, Ohio Court of Common Pleas to the United States District Court for the Southern District of Ohio, Western Division, based on federal question jurisdiction under 28 U.S.C. § 1331 and supplemental jurisdiction under 28 U.S.C. § 1367.

The grounds for removal follow:

1. On October 18, 2022, Plaintiff Mabelyn Rayford (“Plaintiff”) commenced a lawsuit against SCC in the Hamilton County, Ohio Court of Common Pleas, entitled *Mabelyn Rayford v. Sisters of Charity of Cincinnati, Ohio*, Case No. A2203782.
2. Plaintiff served SCC with Plaintiff’s Complaint for Damages and Injunctive Relief (“Complaint”) by Certified Mail on November 21, 2022. Under 28 U.S.C. § 1446, this Notice of Removal is timely filed within 30 days after Plaintiff filed the Complaint in state court.

3. Under 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served upon Defendant are attached as Exhibit A. To the best of SCC's knowledge, the Complaint constitutes all process, pleadings, and orders served in this action.
4. Plaintiff could have originally filed this action in this Court under 28 U.S.C. § 1331, as Plaintiff's Complaint arises under the laws of the United States.
5. The United States District Court for the Southern District of Ohio, Western Division at Cincinnati is the federal judicial district embracing the Hamilton County, Ohio Court of Common Pleas, where Plaintiff originally filed this action. Venue is thus proper under 28 U.S.C. §§ 115(b)(1) and 1441(a).
6. The Complaint establishes that there are federal questions. Plaintiff asserts federal age and disability discrimination claims. (Ex. A, ¶¶ 73–83, 95–111) Thus, this Court has original jurisdiction over these claims under 28 U.S.C. § 1331.
7. This Court may exercise supplemental jurisdiction over the remaining claims in Plaintiff's Complaint under 28 U.S.C. § 1367(a), as those claims for age and disability discrimination and retaliation under Ohio law are so related to the federal age and disability discrimination claims that they form a part of the same case or controversy.
8. Defendant will give notice of removal of this action to the Hamilton County, Ohio Court of Common Pleas, where the state court action is pending, as required under 28 U.S.C. § 1445(d). A copy of the Notice of Filing of Notice of Removal of Defendant Sisters of Charity of Cincinnati, Ohio is attached as Exhibit B (without exhibits).

For these reasons, federal jurisdiction exists under 28 U.S.C. § 1331, supplemental jurisdiction exists under 28 U.S.C. § 1367, and removal is appropriate under 28 U.S.C. § 1441.

Respectfully Submitted,

/s/ Brian G. Dershaw

Brian G. Dershaw (0072589)
Taft Stettinius & Hollister LLP
425 Walnut Street, Suite 1800
Cincinnati, Ohio 45202
Tel.: (513) 381-2838
Fax: (513) 381-0205
bdershaw@taftlaw.com
Attorney for Defendant Sisters of Charity of
Cincinnati, Ohio

CERTIFICATE OF SERVICE

I certify that on this 15th day of November 2022, a true and accurate copy of the Notice of Removal was filed electronically with the U.S. District Court for the Southern District of Ohio. Notice of this filing will be delivered to the following parties by operation of the Court's electronic filing system and electronic mail:

Evan R. McFarland
Matthew G. Bruce
Brianna R. Carden
Spitz, The Employee's Law Firm
Spectrum Office Tower
11260 Chester Road, Suite 825
Cincinnati, OH 45246
Phone: (216) 291-0244 x173
Fax: (216) 291-5744
Email: Matthew.Bruce@SpitzLawFirm.com
Email: Evan.McFarland@SpitzLawFirm.com
Email: Brianna.Carden @SpitzLawFirm.com
Attorneys for Plaintiff Mabelyn Rayford

/s/ Brian G. Dershaw